

EXHIBIT F

Deposition of Former Kings County
District Attorney Charles J. Hynes in
Collins v. City of New York, 11 CV
766 (FB) (RML) (E.D.N.Y. December
19, 2013

CHARLES J. HYNES Non-Confidential Portions
JABBAR COLLINS vs. NYC

December 19, 2013

1

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

JABBAR COLLINS,

Plaintiff,

-against-

CIVIL ACTION

No. 11CV00766

THE CITY OF NEW YORK; MICHAEL F.
VECCHIONE, BRIAN MAHER, STEPHEN
BONDOR, SHOLOM TWERSKY, ANTHONY
D'ANGELO, MELANIE MARMER, MORGAN J.
DENNEHY, VIRGINIA C. MODEST, and
JODI MANDEL, as employees of the
Kings County District Attorney's
Office and Individually, and VINCENT
GERECITANO and JOSE R. HERNANDEZ,
Individually and as members of the
New York City Police Department,

Defendants.

-----X

December 19, 2013
9:30 a.m.

"NON-CONFIDENTIAL PORTIONS"

Deposition of CHARLES J. HYNES, taken by
Plaintiff, at the Kings County District
Attorney's Office, 350 Jay Street, 19th Floor,
Brooklyn, New York, before Anneliese R. Tursi,
a Registered Professional Reporter and Notary
Public within and for the State of New York.

CHARLES J. HYNES Non-Confidential Portions
JABBAR COLLINS vs. NYC

December 19, 2013

2

STATE OF NEW YORK
COURT OF CLAIMS

-----X
JABBAR COLLINS,

Claimant,

CLAIM NO.
119586

-against-

THE STATE OF NEW YORK,

Respondent.

-----X

December 19, 2013
9:30 a.m.

"NON-CONFIDENTIAL PORTIONS"

Deposition of CHARLES J. HYNES, taken by
Plaintiff, at the Kings County District
Attorney's Office, 350 Jay Street, 19th
Floor, Brooklyn, New York, before Anneliese R.
Tursi, a Registered Professional Reporter and
Notary Public within and for the State of New
York.

CHARLES J. HYNES Non-Confidential Portions
JABBAR COLLINS vs. NYC

December 19, 2013

3

A P P E A R A N C E S

LAW OFFICE OF JOEL B. RUDIN

Attorneys for Plaintiff

200 West 57th Street, Suite 900

New York, New York 10019

BY: JOEL B. RUDIN, ESQ.
TERRI S. ROSENBLATT, ESQ.
212-752-7600
jbr@rudinlaw.com

NEW YORK CITY LAW DEPARTMENT

OFFICE OF THE CORPORATION COUNSEL

Attorneys for Defendants

100 Church Street

New York, New York 10007

BY: ARTHUR LARKIN, ESQ.
ELIZABETH KRASNOW, ESQ.
ANGHARAD WILSON, ESQ.
212-788-0976
ekrasnow@law.nyc.gov

CHARLES J. HYNES Non-Confidential Portions
JABBAR COLLINS vs. NYC

December 19, 2013

4

A P P E A R A N C E S

CHARLES J. HYNES, DISTRICT ATTORNEY

OFFICE OF THE DISTRICT ATTORNEY, KINGS COUNTY

350 Jay Street

Brooklyn, New York 11201-2908

BY: DINO G. AMOROSO, ESQ.,
DEPUTY DISTRICT ATTORNEY
TONI C. LICHSTEIN, ESQ.,
ASSISTANT DISTRICT ATTORNEY
718-250-2211
amorosod@brooklynda.org

ALSO PRESENT:

JABBAR COLLINS

THOMAS DEVINE, Videographer

CHARLES J. HYNES Non-Confidential Portions
JABBAR COLLINS vs. NYC

December 19, 2013

6

1 C.J. HYNES

2 (Plaintiff's Exhibit 311,
3 letter dated November 25th, 2013
4 marked for identification, as of
5 this date.)

6 (Plaintiff's Exhibit 312,
7 letter dated June 2, 2010 marked
8 for identification, as of this
9 date.)

10 THE VIDEOGRAPHER: Good morning.

11 This is media No. 1 to the videotaped
12 deposition of Charles Hynes in the
13 matter of Jabbar Collins against The
14 City of New York, et al., being heard in
15 the US District Court, Eastern District
16 of New York, case No. 11-CV 00766.

17 This deposition is being held at
18 the District Attorney's office, 350 Jay
19 Street, 19th floor, Brooklyn, New York,
20 on December 19th, 2013 at approximately
21 9:30 a.m.

22 My name is Thomas Divine and I am
23 the videographer. The court reporter is
24 Liese Tursi.

25 Counsel, will you please introduce

CHARLES J. HYNES Non-Confidential Portions
JABBAR COLLINS vs. NYC

December 19, 2013

7

1 C.J. HYNES

2 yourselves and your affiliations, after
3 which the witness will be sworn in and
4 we may proceed.

5 MR. RUDIN: For plaintiff, Joel
6 Rudin, Terri Rosenblatt and Jabbar
7 Collins.

8 MR. LARKIN: For the defendant,
9 Arthur Larkin, L-A-R-K-I-N, New York
10 City Law Department. With me is
11 Elizabeth Krasnow and Angharad Wilson.

12 MR. AMOROSO: On behalf of the
13 Kings County District Attorney's Office
14 Dino G. Amoroso, A-M-O-R-O-S-O.

15 MS. LICHSTEIN: And Toni C.
16 Lichstein, L-I-C-H-S-T-E-I-N.

17 THE VIDEOGRAPHER: Thank you.

18 Liese, will you please swear in
19 the witness.

20 C H A R L E S J. H Y N E S,
21 Kings County District Attorney's Office,
22 350 Jay Street, Brooklyn, New York,
23 having been first duly sworn/affirmed by
24 the Notary Public (Anneliese R. Tursi),
25 was examined and testified as follows:

CHARLES J. HYNES Non-Confidential Portions
JABBAR COLLINS vs. NYC

December 19, 2013

8

1 C.J. HYNES

2 EXAMINATION BY MR. RUDIN:

3 Q. Good morning, Mr. Hynes.

4 A. Good morning.

5 Q. We just were introduced. My name
6 is Joel Rudin. With me is Terri Rosenblatt
7 and Jabbar Collins. Ms. Rosenblatt and I
8 represent Mr. Collins in his civil lawsuit
9 against The City of New York and a number of
10 individuals?

11 A. Um-hum.

12 Q. Are you familiar with the lawsuit?

13 A. In general terms, yes.

14 Q. I will be asking you some
15 questions today that I believe are relevant to
16 the issues in the lawsuit.

17 A. Um-hum.

18 Q. If I ask you a question that you
19 do not understand or that you need to have
20 clarified, do you understand that you may and,
21 in fact, should ask me to restate or clarify
22 the question?

23 A. Sure, I understand.

24 Q. Do you understand that if you give
25 an answer that upon reflection you think is in

CHARLES J. HYNES Non-Confidential Portions
JABBAR COLLINS vs. NYC

December 19, 2013
318

1 C. J. HYNES

2 believe that was a program that predated me by
3 at least two district attorneys.

4 Q. Were you aware when you became
5 district attorney that there was still a hotel
6 custody program?

7 A. Yeah, I'm sure I did.

8 Q. And did you have any understanding
9 about the circumstances under which
10 individuals were in the custody of detective
11 investigators at hotels?

12 A. As I understand, typically when a
13 material witness order was executed, the
14 witness had to promptly be brought before a
15 judge who then would make inquiry as to
16 whether or not the witness would agree to
17 cooperate with the trial, and to tell the
18 witness that the option was to go to civil
19 jail or to go in the custody of the DA in one
20 of the hotel rooms. And that typically the
21 length of the stay was no more than overnight,
22 the next day the witness would testify and
23 then the material witness order would be
24 withdrawn. That was my understanding of it.

25 Q. Your understanding was that

CHARLES J. HYNES Non-Confidential Portions
JABBAR COLLINS vs. NYC

December 19, 2013
319

1 C. J. HYNES

2 witnesses were given a choice by the judge,
3 either they could stay in a civil jail or they
4 could stay in a hotel in the custody of the
5 District Attorney's office?

6 A. Yeah.

7 Q. If they did not wish to stay in a
8 jail, then they had no choice but to stay in
9 the DA's custody?

10 MR. LARKIN: Form objection.

11 A. Well, that's the choice judges
12 would give a material witness.

13 Q. Either you could be in a jail
14 maintained by the New York City Department of
15 Corrections or they could be in a hotel room
16 guarded by detectives from the DA's office?

17 MR. LARKIN: Form objection.

18 A. I'm not quite sure it is the
19 Department of Corrections. I think it is the
20 marshals, the city Marshall that did that but
21 it doesn't matter.

22 Yeah, either you would go to jail
23 or go to a hotel room. And as I said,
24 typically the stay, as I understood it, my
25 recollection of it, it was an overnight stay

CHARLES J. HYNES Non-Confidential Portions
JABBAR COLLINS vs. NYC

December 19, 2013
320

1 C. J. HYNES

2 and then they would testify and that would be
3 the end of it.

4 Q. And if they chose, as you put it
5 to go to the hotel, were they free to leave?

6 A. No.

7 Q. So would it be fair to say that
8 they were prisoners?

9 MR. LARKIN: Objection.

10 A. They were not free to leave so,
11 sure, they were prisoners. They were in
12 custody.

13 Q. And did you have any policy prior
14 to March of 1995 as to whether or not the
15 defense had to be told when a witness was in
16 the involuntary custody of the DA's office?

17 A. Nope. It was my understanding
18 that during the course of a trial the defense
19 would learn about the material witness order
20 and the fact that the witness was testifying
21 under that kind of coercion.

22 Q. Learn from whom?

23 A. From the witness.

24 Q. Well, what if the district
25 attorney didn't bring it out himself, how